

## **REMARKS/ARGUMENTS**

In response to the Final Action Applicant has amended the application as follows:

Applicant has cancelled claims 25-39 and 42 and amended claims 41 and 43 and added new claims 44-48. Support for the claims is to be found in the specification as follows:

Claim 41      Page 2, lines 17-18; page 4, lines 17-18; Examples 12-16, especially Example 16; SEQ ID NO:24;

Claim 43      Page 4, line 14;

Claim 44      SEQ ID NO:25;

Claim 45      Page 4, line 13;

Claim 46      Page 4, lines 13-14;

Claim 47      Page 10, line 8; page 15, lines 5, 13-14; page 19, line 21; page 21, line 16;

Claim 48      Page 9, line 35; page 18, lines 4 and 32; page 19, lines 16 and 18; page 21, lines 12-13; page 22, line 15.

Applicant thanks the Examiner for the opportunity of a telephone interview on November 5<sup>th</sup>, 2010. Following that interview applicant is filing this response with amendments to the claims to direct them to methods of the invention which, applicant submits with the narrowing amendments made to the independent method claim 41, are inventive over the references applied by the Examiner against the claims as they stood prior to this amendment. Applicant respectfully submits that none of the references teach or render obvious the claims as a whole when considering all the steps involved and the particular requirements of all of the steps. Claim 41 claims (a) a method of increasing erucic acid proportion in a plant-derived seed oil; (b) by introducing into a plant a heterologous nucleic acid encoding a fatty acid elongase operably linked with a promoter capable of increasing expression of said fatty acid elongase; (c) the fatty acid elongase comprising the amino acid sequence set forth in SEQ ID NO: 24; (d) cultivating the plant; and (e) extracting the plant-derived seed oil, the oil having increased erucic acid proportion

when compared to a control plant lacking the heterologous nucleic acid molecule.  
Applicant respectfully submits that this is not obvious from the references.

Early and favorable consideration of the application is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees, and credit any over payments, to Deposit Account No. 501593, in the name of Borden Ladner Gervais LLP.

Respectfully submitted,

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DLC/car/alc

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